

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AMERICAN STEAMSHIP OWNERS MUTUAL
PROTECTION AND INDEMNITY ASSOCIATION, INC.,

Plaintiff,

-against-

04 Civ. 4309 (LAK)

ALCOA STEAMSHIP CO., et al.,

Defendants.
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ORDER

LEWIS A. KAPLAN, *District Judge*.

The defendants have applied for a trial setting. Plaintiff proposes instead that trial be deferred pending the filing and disposition of motions for summary judgment.

As the parties agree that this case is non-jury, it seems that little purpose would be served by expending a great deal of time, money and effort dealing with motions for summary judgment. Accordingly, the case shall be handled as follows:

1. A joint pretrial order in the form prescribed by my individual practices shall be filed on or before April 14, 2006.
2. Plaintiff shall serve on defendants affidavits containing the direct testimony of all witnesses employed by it and witnesses who, though not employed by it, are willing to provide such affidavits, together with a list of witnesses from whom such affidavits are not available but whom it will subpoena for trial, no later than May 12, 2006.
3. Defendants, on or before June 12, 2006, shall serve on plaintiff (a) affidavits containing the direct testimony of all witnesses employed by them and witnesses who, though not employed by them, are willing to provide such affidavits, together with a list of witnesses from whom such affidavits are not available but whom they will subpoena for trial, and (b) a list of those of plaintiff's witnesses whom they wish to cross-examine.
4. Plaintiff, on or before June 24, 2006, shall serve on defendants (a) affidavits

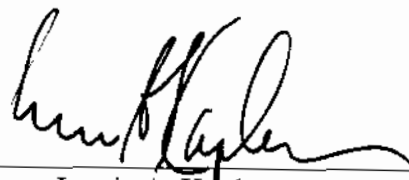
containing the direct rebuttal testimony of all witnesses employed by it and witnesses who, though not employed by it, are willing to provide such affidavits, together with a list of rebuttal witnesses from whom such affidavits are not available but whom it will subpoena for trial, and (b) a list of those of defendants' witnesses whom they wish to cross-examine.

5. Defendants, on or before June 30, 2006, shall serve on plaintiff a list of those of plaintiff's rebuttal witnesses whom they wish to cross-examine.

6. The parties, on or before July 7, 2006, shall provide the Court with (a) all exhibits (including deposition excerpts) and all of the materials described in paragraphs 2 through 5 hereof, and (b) one trial memorandum, not to exceed 35 pages, for each side. The Court then will determine the extent, if any, to which it is necessary to take oral testimony and set the matter down.

SO ORDERED.

Dated: March 7, 2006



Lewis A. Kaplan
United States District Judge